

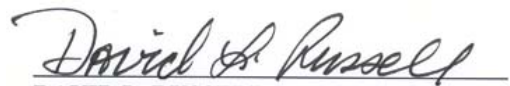
**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>DONALD D KING and JOHN MOSIER,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-11-1036-R</b>
	)	
	)	
<b>PETER HOGAN,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

Plaintiff filed this actoin pursuant to 42 U.S.C. § 1983, alleging violation of their constitutional rights. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Robert E. Bacharach for preliminary review. On August 14, 2012, Judge Bacharach issued a Report and Recommendation wherein he recommended the action be dismissed without prejudice because Plaintiffs have failed to effect timely service despite the benefit of an extension of the time for service provided by Federal Rule of Civil Procedure 4(m). The record reflects Plaintiffs have not effected service since the filing of the Report and Recommendation, have not objected to the Report and Recommendation and have not sought an extension of time in which to respond. Accordingly, the Report and Recommendation is hereby adopted. This action is dismissed without prejudice.

IT IS SO ORDERED this 5<sup>th</sup> day of September, 2012.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE